

**Notice of Allowability**

Application No.

10/099,881

Examiner

O'Neal R. Mistry

Applicant(s)

KAUFMAN ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/28/06.
2. ☒ The allowed claim(s) is/are 40-46, 48-56, 62-66, 68-80 (Re-number 1-34).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3-28-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 4-20-06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/28/06 has been entered.

**DETAILED ACTION**

This application has been examined.

Claims 40-46, 48-56, 62-66, 68-80 are presented for examination.

**Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William R. Haulbrook on 04/20/2006.

The application has been amended as follows:

Amend claim 40 as follows:

At line 9, after the limitation "agent" insert - - , and grouping the two selected regions if the measure of similarity is larger than a given threshold, wherein the step of determining the measure of similarity comprises, for each of the two selected regions, averaging time-series data corresponding to pixels within the region, then quantifying the similarity between the two resulting means signals- -

Amend claim 56 as follows:

At line 8, after the limitation "agent" insert - - , wherein step (b) comprises analyzing an acetowhitening signal to determine a measure of similarity between two selected regions of the tissue, the measure of similarity indicating how similarly tissue in each region responds to the chemical agent, and grouping the two selected regions if the measure of similarity is larger than given threshold, wherein the step of determining the measure of similarity comprises, for each of the two selected regions, averaging time-series data corresponding to pixels within the region, then quantifying the similarity between the two resulting means signals- -

Amend claim 70 as follows:

At line 11, after the limitation "agent" insert - - , and grouping the two selected regions if the measure of similarity is larger than a given threshold, wherein the step of determining the measure of similarity comprises, for each of the two selected regions, averaging time-series data corresponding to pixels within the region, then quantifying the similarity between the two resulting mean signals - -.

***Allowable Subject Matter***

Claims 40-46, 48-56, 62-66, 68-80 (Re-numbered 1-34) are allowed.

In regards to claims 40, 56 & 70 the closest prior art discloses a method of measuring the intensity value of images over a period of time, by applying a chemical agent to the human skin. The images are taken over a period of time to determine which images are cancerous by ascertaining the changes in the images. The image is segmented into various types to allow a deeper analysis of the images, and allow a thorough diagnosis of the imaged anatomy.

The closest prior art does not discloses the grouping the two selected regions if the measure of similarity is larger than a given threshold, wherein the step of determining the measure of similarity comprises, for each of the two selected regions, averaging time-series data corresponding to pixels within the region, then quantifying the similarity between the two resulting means signals.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R. Mistry whose telephone number is (571) 272-4052. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**SAMPLED  
PRIMARY EXAMINER**